

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

JUDY A. FOSTER,)	
)	
Plaintiff,)	
)	
vs.)	
)	CIVIL ACTION NO. 3:11-cv-1216
SPRING MEADOWS HEALTH)	
CARE CENTER, LLC,)	JUDGE ASPEN
)	
Defendant.)	JURY REQUESTED
_____)	

PLAINTIFF'S PROPOSED VOIR DIRE

Plaintiff Judy A. Foster respectfully submits the following
proposed jury voir dire:

BACKGROUND INFORMATION

1. Name
2. Age
3. Marital Status
4. Place of residence

EMPLOYMENT INFORMATION

5. Current employment status
6. If you are employed:
 - a) Where do you work?
 - b) What is your occupation?
 - c) What is your job title?
 - d) How long have you had this job?
 - e) Do you supervise other employees? If yes, how many

- employees do you supervise directly and indirectly?
- f) Do you have the authority to hire or fire other employees?
 - g) Briefly describe your responsibilities at work.
 - h) Has anybody ever made a complaint about you as a supervisor? If yes, please describe.
 - i) Have you ever made a complaint to a supervisor? If yes, describe.
 - j) Has anybody ever made a complaint within a company that you discriminated against a person on the job?
 - k) Have you ever made a complaint within a company that you or someone else has been discriminated against on the job?
 - l) Has anybody filed a lawsuit or a complaint with a government agency complaining that you discriminated against a person on the job?
 - m) Have you ever filed a lawsuit or a complaint with a government agency complaining that you have been discriminated against on the job?
 - n) Have you ever been denied or passed over for a promotion or have you ever felt that the terms and conditions of your employment were different because of your age, gender, race, national origin, color, religion or disability?
 - o) Have you ever been in a Union?
- 7. Have you ever owned your own business? If yes, how many employees did you have?
 - 8. Have you ever worked for someone else as an independent contractor?
 - 9. Have you ever been an officer or member of the Board of Directors of a corporation?
 - 10. Have you ever been employed in any of the following

occupations, or has your work ever included any of the following responsibilities, or have you ever received any training in any of the following areas:

- a) Human Resources
- b) Personnel
- c) Labor Relations

MILITARY BACKGROUND

- 11. a) Have you ever served in any branch of the U.S. military?
- b) If yes, please list the branch of service and your highest rank.
- c) If you have ever been in the military, were you ever in the military police?
- d) Do you have any close family members who have served in the military?

ASSOCIATIONS/ORGANIZATIONS

- 12. Are you a member of any trade or professional association, union, civic club, religious or other organization? If yes, list all of the organizations to which you belong and the position you hold or have held in these or other organizations.
- 13. Do you belong to any private club, civic, professional, or fraternal organization that limits its membership on the basis of race, ethnic origin, sex, sexual orientation, national origin, or religion? If yes, please list the organization(s).

INFORMATION REGARDING FAMILY

14. Have you or your spouse/partner ever been under stress because of problems at work? If yes, please explain.
15. Do you have any religious or other beliefs that would make it difficult for you to sit in judgment of another person? If yes, please explain.

YOUR SPOUSE OR PARTNER'S BACKGROUND

16. Name
17. Current employment status
18. If he or she is employed:
 - a) Where does he or she work?
 - b) What is his or her occupation?
 - c) What is his or her job title?
 - d) Briefly describe your spouse or partner's responsibilities at work.
 - e) How long has he or she had this job?
 - f) Does he or she supervise other employees?
 - g) Does he or she have the authority to hire or fire other employees?
 - h) Has your spouse or partner ever made a complaint about his or her supervisor?
 - i) Has your spouse or partner ever complained within the company that he or she has been discriminated against on the job?
 - j) Has your spouse or partner ever filed a lawsuit or complaint with a government agency that he or she has been discriminated against on the job?
 - k) Has anybody complained within the company that your spouse or partner discriminated against that person on the job?
 - l) Has anybody filed a lawsuit or a complaint with a

government agency that your spouse or partner discriminated against that person on the job?

- m) Has your spouse or partner ever been in a Union?
19. Please list any other jobs he or she has held during the past ten years.
20. Has your spouse or partner ever been under stress because of problems at work? If yes, when did your spouse or partner experience problems like this?
21. Has your spouse or partner owned his or her own business? If yes, how many employees did the business have?
22. Has your spouse or partner ever been an officer or director of a corporation?
23. Has your spouse or partner ever been self-employed or worked for someone else as an independent contractor? If yes, briefly describe the nature of his or her work.
24. If your spouse or partner attended college, vocational, or technical school, what was:
- a) His or her major subject?
- b) The name and location of the school?
25. Please list and briefly describe any classes, correspondence courses, seminars, or workshops your spouse or partner has taken relating to sexual harassment, employment law, or psychology.
26. Has your spouse or partner ever served in any branch of the U.S. military? If yes, please list the branch of service and his or her highest rank.
27. Is your spouse or partner a member of any trade or professional association, union, civic club, religious or other organization? If yes, please list all of the organizations to which he or she belongs.
28. Does your spouse or partner belong to any private club, civic, professional, or fraternal organization that limits

its membership on the basis of race, ethnic origin, sex, sexual orientation, national origin or religion? If yes, please list the organization(s).

FAMILIARITY WITH JUDICIAL SYSTEM

29. Have you ever served as a juror before?
 - a) If yes, please list the court(s), the type of case(s), and the approximate date(s).
 - b) Were you ever the foreperson?
 - c) Has any of the juries on which you have served been unable to reach a verdict?
 - d) Did you enjoy your previous experience(s) as a juror?
30. Have you ever been to court before, other than for jury service? If yes, please describe the circumstances.
31. Have you ever testified in a trial or court proceeding?
32. Have you ever had your deposition taken?
33. Have you or any member of your household or family, or any close friends ever sued or been sued? If yes, how was the case resolved?
34. Have you ever thought you might have a reason to file a lawsuit but decided not to? If yes, please describe the circumstances.
35. During trial, it may become necessary for the attorneys to approach the bench or discuss a point of law outside the hearing of the jury. Will it bother you that the law sometimes does not allow jurors to hear discussion of legal points?
36. What do you think of anti-discrimination programs and laws in general?

MISCELLANEOUS

37. Which of the following is your main source of news:
television, radio, newspaper(s), magazine(s)?
38. Please rate how much you agree or disagree with each of the following statements:
- a) Age discrimination in the workplace is being blown way out of proportion.
Strongly agree; somewhat agree; somewhat disagree; strongly disagree.
 - b) Race discrimination in the workplace is being blown way out of proportion.
Strongly agree; somewhat agree; somewhat disagree; strongly disagree.
 - c) Age discrimination in the workplace is one of the most serious problems facing older employees today.
Strongly agree; somewhat agree; somewhat disagree; strongly disagree.
 - d) Most women are discriminated against in the workplace.
Strongly agree; somewhat agree; somewhat disagree; strongly disagree.
 - e) Not enough is being done to eliminate discrimination in the workplace.
Strongly agree; somewhat agree; somewhat disagree; strongly disagree.
 - f) To what extent do you think attorneys are trustworthy or untrustworthy?
Very trustworthy; somewhat trustworthy; somewhat untrustworthy; very untrustworthy.
39. Have you ever had any dealings with an attorney?
40. What is your main complaint or annoyance about attorneys?
41. How do you feel about the size of money awards given in trials today: Too large; Fine; Too small?
42. Have you or has anyone close to you ever worked for:

- a) A lawyer or law firm?
 - b) A counselor, psychotherapist, psychologist, or psychiatrist?
 - c) The court system?
43. If your heart said the Plaintiff should win and your mind said the Defendant should win, which way would you go?
44. In a case of discrimination in employment, is there anyone on the first row who would start the trial favoring the employer, even if only slightly?

ABOUT THIS CASE

45. In this case, the plaintiff (the person who filed the lawsuit) claims that she was subjected to discrimination while she worked for the defendant (her former employer). Do you have any preconceptions or feelings one way or the other about how this kind of situation should be decided?
46. Do you know anyone who may be involved in a situation about what you have heard so far about this case?
47. Do you have a supervisor of the opposite race?
- a) If yes, how do you feel about that supervisor?
 - b) If yes, do you think that supervisor treats minorities and white employees equally?
48. Have you ever been involved in a situation at work involving discrimination?
49. Have you ever felt that you or someone you worked with had been discriminated against at work?
50. Have you ever had to quit a job because you felt you were being treated unfairly?
51. Have you, your spouse/partner, close friend, and/or member of your family/household ever been employed as a legal secretary or paralegal?

52. Have you, your spouse/partner, close friend, and/or member of your family/household ever had any training in the handling of discrimination in the workplace? If yes, please describe what training was received.
53. If you work for a business, has your employer implemented a policy against discrimination?
54. Have you ever been accused of discrimination?
55. Have you, your spouse/partner, close friend, and/or member of your family/household ever made a complaint of discrimination at work?
56. Given the nature of this case, is there anything in your background and experience that would make it difficult for you to be fair and impartial?
57. Do you feel people should be awarded money for psychological pain?
58. Do you feel that too much money is awarded for claims of emotional distress?
59. Do you believe there is any limit on the amount of money that should be awarded for emotional distress?
60. Do you know what putative damages are?
61. Is there any reason why you could not award putative damages, that is, damages to punish the defendant or deter the defendant from engaging in this type of behavior again?
62. When you read about large putative damages awards, do you feel that juries award too much in putative damages?
63. Is there a question I should have asked that would have told me a lot about how you feel about a case like this?
64. Have you ever been or had a friend, family member, or coworker at Defendant's facility?
65. Do you have a friend or family member who is a patient at Defendant's facility?
66. Do you now or have you ever owned stock in Defendant?

67. Are there any matters that you would like to bring to the attention of the judge and lawyers that you do not want to discuss in the presence of other potential jurors?

Respectfully submitted:

s/Debra A. Wall
Debra A. Wall, BPR #11331
Attorney for Plaintiff
133 Franklin Street
Clarksville, TN 37040
(931) 906-3904
Facsimile (931) 906-3908
E-mail debraawall@msn.com

CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing is being forwarded via the Court's Electronic Mailing System to:

Kathryn W. Olita
Erik Fuqua
121 South Third Street
Clarksville, Tennessee 37040

on this the 5th day of April, 2013.

s/Debra A. Wall
Debra A. Wall